

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:)	Chapter 7
)	
PATRICIA G ZAVALZA)	Case No. 21-13296
)	
Debtor.)	Honorable Jacqueline P. Cox

NOTICE OF MOTION

To: See Attached Service List

YOU ARE HEREBY NOTIFIED that on January 11, 2022 at 1:00 p.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Jacqueline P. Cox, and then and there present **MOTION TO AVOID THE JUDICIAL LIEN OF BANK OF AMERICA, N.A.**, a copy of which is attached hereto and herewith served upon you.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID. The meeting ID for this hearing is: **161 273 2896**, Passcode: **778135** The meeting ID and further information can also be found on the Judge Cox's web page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

By: /s/ David R. Herzog
One of her attorneys

David R. Herzog
Law Office of David R. Herzog, LLC
Attorneys for Debtor
53 W. Jackson Blvd., #1442
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312-977-1600
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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that he caused to be served a copy of the foregoing instrument on the attached service list via the ECF system and/or by enclosing same in an envelope addressed to them, with postage fully prepaid, and by depositing the envelope in the U.S. Mail at 53 West Jackson Blvd., Chicago, Illinois 60604, on this 20th day of December, 2021.

/s/ David R. Herzog

SERVICE LIST

VIA ECF

Patrick S Layng
Office of the U.S. Trustee, Region 11
219 S Dearborn St
Room 873
Chicago, IL 60604

R. Scott Alsterda
R. Scott Alsterda, Ch. 7 Trustee
Nixon Peabody
70 W. Madison
Suite 5200
Chicago, IL 60602-4283

VIA REGULAR AND REGISTERED MAIL

Brian Moynihan, President
Bank of America Corporation
America Corporate Center
100 North Tryon Street
Charlotte, NC 28255

William Weissbeck
Markoff Law LLC
29 N. Wacker Dr., #1010
Chicago, IL 60606

VIA REGULAR MAIL

Patricia G Zavalza
6606 Kane Ave.
Hodgkins, IL 60525

**IN THE UNITED STATES BANKRUPTCY COURT
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IN RE:)	Chapter 7
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Debtor.)	Honorable Jacqueline P. Cox

**MOTION TO AVOID THE JUDICIAL LIEN OF
BANK OF AMERICA, N.A.**

NOW COMES the Debtor, PATRICIA G ZAVALZA (the “Debtor”), by and through their attorneys David R. Herzog and the Law Office of David R. Herzog, LLC, and pursuant to Section 522(f)(2)(A) moves this Court to avoid the judicial lien of Bank of America, N.A. (“the Creditor”). In support of this Motion, the Debtor states as follows:

1. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. 1334 and this is a “core proceeding” under 28. U.S.C. 157.
2. The Debtor filed for relief under Chapter 7 of the United States Bankruptcy Code (the “Code”) on November 22, 2021.
3. The Debtor is the joint owner of a primary residence at 6606 Kane Ave., Hodgkins, Illinois ("the Property").
4. The Debtor at the date of the filing of the bankruptcy estimated the value of the property at \$353,400.00.
5. At the time of filing, the property was encumbered by a 1st mortgage in favor of ARC Home in the approximate amount of \$355,946.87. A copy of Schedule "D" is attached hereto as Exhibit "A."
6. The Debtor is entitled to a homestead exemption of \$15,000 pursuant to 735 ILCS 5/12-901.
7. The Debtor claimed this exemption. (See Exhibit “B”).
8. Prior to filing, Bank of America, N.A. obtained a judgment lien against the Debtor

for \$356,771.41 by recording its judgment with the Cook County Recorder of Deeds as document #2130001113.

9. Said judgment fixed a lien on the Debtor's homestead by operation of 735 ILCS 5/12-101.

10. Pursuant to 11 U.S.C. 522(f)(1) the debtor may avoid the fixing of a lien on an interest of the debtor in property to the extent that such lien impairs an exemption.

11. Under 11 U.S.C. Section 522(f)(2)(A), the judicial lien in favor of the Creditor impairs an exemption to which the Debtor would have been entitled.

12. Avoidance of the judicial lien held by Bank of America, N.A. is necessary to effectuate the exemption of the property and is necessary to further the Debtor's fresh start.

WHEREFORE, the Debtor, PATRICIA G. ZAVALZA, prays that this Court enter an order avoiding the judicial lien of Bank of America, N.A. and grant such other and further relief which is just an appropriate.

PATRICIA G. ZAVALZA

By: /s/ David R. Herzog
One of Her Attorneys

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